

36

00-2 -0809

Entered - 05/19/00 - sb
CL00L0285 - DIANNE C. MITCHELL

CLAIM OF: PAYLESS CAR RENTAL
1931 Roosevelt Highway
College Park, Georgia 30337

For damages alleged to have been sustained as a result of a vehicular accident on June 26, 1999 at Cleveland Avenue and Metropolitan Boulevard.

THIS ADVERSED REPORT IS
APPROVED

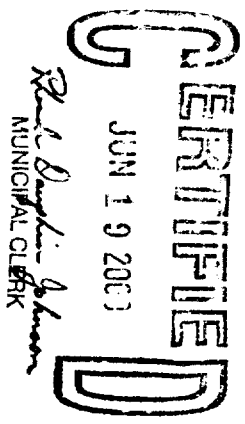
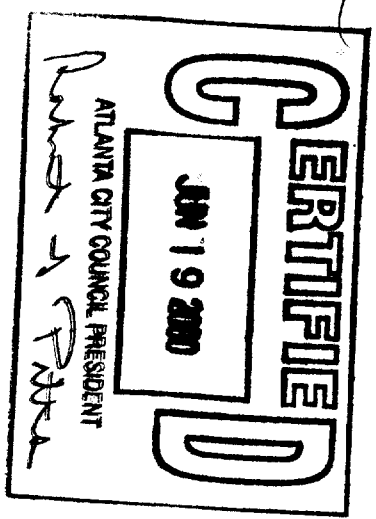
BY: Rosalind Rubens Newell
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

REPORT

P.S. L.A.
6/13/00

C. T. Martin

[Handwritten signatures]



ADVERSED BY
CITY COUNCIL JUN 19 2000



**CITY OF ATLANTA
OFFICE OF MUNICIPAL CLERK**

**RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK**

**55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103**

June 27, 2000

Payless Car Rental
Attn: Albert Stonitsch
1931 Eooawvwlr Highway
College Park, GA 30337

00-R-0809

Dear Mr. Stonitsch:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on June 19, 2000. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Sincerely,

Rhonda Dauphin Johnson

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0285

Date: June 1, 2000

Claimant /Victim PAYLESS CAR RENTAL

BY: (Atty) (Ins. Co.) _____

Address: 1931 Roosevelt Highway, College Park, Georgia 30337

Subrogation: _____ Claim for Property damage \$ 1,298.81 Bodily Injury \$ _____

Date of Notice: 05/12/00 Method: Written, proper X Improper _____

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) _____

Date of Occurrence 06/26/99 Place: Cleveland Avenue and Metropolitan Boulevard

Department Police Division: _____

Employee involved Chris Bunch Disciplinary Action: _____

NATURE OF CLAIM: The driver of the City vehicle failed to yield right-of-way upon entering the roadway and collided with the claimant's vehicle. However, the claim as presented does not comply with the requirements of notice as set forth in O.C.G.A. §36-33-5, the six month statute of limitations expired prior to receipt of the claim.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____

Pictures _____ Diagrams _____ Reports: Police X Dept Report _____ Other _____

Traffic citations issued: City Driver X Claimant Driver X

Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial _____

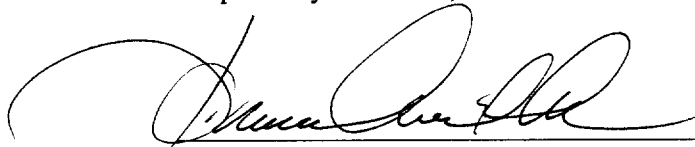
Improper Notice _____ More than Six Months X Other _____ Damages reasonable _____

City not involved _____ Offer rejected _____ Compromise settlement _____

Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____

Claimant Negligent _____ City Negligent X Joint _____ Claim Abandoned _____

Respectfully submitted,



INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2H01 _____

Claims Manager: Dianne C. Mitchell Concur/date 06/21/00

Committee Action: _____ Council Action _____

TravelersPropertyCasualty
A member of citigroup



PO BOX 2954
MILWAUKEE, WI 53201-2954
Phone: (800)624-6007
Fax: (262)827-1038

MTA
05/17/00
D

ENTERED - 5-19-00 - SB
00L0289 - DIANNE MITCHELL

April 21, 2000

MAY 1

City Of Atlanta Law Dept.
Attn: Municipal Clerk
55 Trinity Ave
SW Atlanta, GA 30335-0332

05-01-00 11:36 IN

Our Client: Howard Wiley
Date of Loss: 10/25/1999
Our File No.: S2P9999

Dear Municipal Clerk;

We are handling a claim for Howard Wiley who sustained a loss on 10/25/1999.

Our investigation reveals that you may be legally responsible for this loss, and we look to you to satisfy this obligation.

We have paid \$1,998.06 for this loss. In addition, we are requesting reimbursement for Howard Wiley's deductible of \$500.00 for a total of \$2,498.06.

If you have insurance, please complete the attached form and return it to me. Please refer this letter to them immediately, requesting they contact our offices. Should you not have insurance, we expect payment from you directly. Please contact me to discuss repayment options.

We will pursue every legal avenue available to us in order to satisfy this debt. Failure to respond will result in further action including the possibility of legal action, and/or the loss of driving privileges through license suspension pursuant to applicable state law.

Please call me immediately if you have any questions.

Sincerely,

Albert Stonitsch
Albert Stonitsch
CNC

Subrogation Representative
(262)797-5608

Enc. Insurance Questionnaire

00- R -0809

RCS# 2016
6/19/00
2:32 PM

Atlanta City Council

Regular Session

Consent Agenda Pages (1 - 8)

ADOPT

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 2

Y McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	Y Morris	B Maddox	Y Alexander
B Winslow	Y Muller	Y Boazman	NV Pitts

ITEM (S) REMOVED FROM
CONSENT AGENDA
00-O-0795
00-R-0831

PRESIDENT PITTS RECUSED ON 00-
O-0756.

06/19/00 Council Meeting	
ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADVERSED ON CONSENT AGENDA
<ol style="list-style-type: none"> 1. 00-O-0756* 2. 00-O-0626 3. 00-O-0749 4. 00-O-0760 5. 00-O-0829 6. 00-O-0836 7. 00-O-0709 8. 00-O-0710 9. 00-R-0750 10. 00-R-0817 11. 00-R-0839 12. 00-R-0529 13. 00-R-0813 14. 00-R-0717 15. 00-R-0823 16. 00-R-0841 17. 00-R-0819 18. 00-R-0822 19. 00-R-0828 20. 00-R-0810 21. 00-R-0856 	<ol style="list-style-type: none"> 22. 00-R-0796 23. 00-R-0797 24. 00-R-0798 25. 00-R-0799 26. 00-R-0800 27. 00-R-0801 28. 00-R-0802 29. 00-R-0803 30. 00-R-0804 31. 00-R-0805 32. 00-R-0806 33. 00-R-0807 34. 00-R-0808 35. 00-R-0809 <p>*PRESIDENT PITTS RECUSED ON 00-O-0756.</p>